

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Midland Funding LLC,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	CASE NO.: 3:08-cv-01434
	)	
vs.	)	HON. DAVID A. KATZ
	)	
Andrea Brent,	)	
	)	
Defendant/Counterclaimant,	)	
	)	
vs.	)	
	)	
Midland Credit Management, Inc.,	)	
	)	
Counterclaim-Defendant.	)	
	)	

**PLAINTIFF MIDLAND FUNDING LLC AND THIRD-PARTY DEFENDANT  
MIDLAND CREDIT MANAGEMENT, INC.'S JOINT MOTION FOR SUMMARY  
JUDGMENT AS TO COUNTERCLAIMANT BRENT'S  
CLAIM FOR ACTUAL DAMAGES**

Now comes Plaintiff, Midland Funding, LLC (“Midland”), and Third-Party Defendant, Midland Credit Management, Inc (“MCM”), by and through undersigned counsel, and pursuant to Fed.R.Civ.P. 56, hereby jointly move this honorable Court for summary judgment as to counterclaimant Brent’s claim for actual damages for the reasons that there are no genuine issues of material fact, movants are entitled to judgment as a matter of law, and reasonable minds could reach but one conclusion which is adverse to Brent.

A brief in support is attached hereto, and incorporated herein, as if filing rewritten.

Respectfully Submitted:

Dated: May 26, 2010

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Management, Inc.

**PROOF OF SERVICE**

I hereby certify that on May 26, 2010 a copy of the foregoing was filed electronically in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to parties by operation of the court's electronic filing system.

/s/ Theodore W. Seitz  
Theodore W. Seitz